

## **EXHIBIT B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

April 9, 2009

Videotaped expert deposition of HARRY T. LAWLESS, Ph.D., taken pursuant to notice, was held at the law offices of Blank Rome LLP, The Chrysler Building, 405 Lexington Avenue, New York, New York, beginning at 9:13 a.m., on the above date, before Kimberly A. Cahill, a Federally Approved Registered Merit Reporter and Notary Public.

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<p>1 A. I don't think so.</p> <p>2 Q. Did you review any</p> <p>3 depositions taken in this case?</p> <p>4 A. In this case.</p> <p>5 Q. In this case.</p> <p>6 A. No -- oh, I reviewed the</p> <p>7 deposition of -- no, no depositions.</p> <p>8 Q. Did counsel offer to you the</p> <p>9 opportunity to interview New York City</p> <p>10 employees?</p> <p>11 A. No.</p> <p>12 Q. Did you ask for the</p> <p>13 opportunity to interview New York City</p> <p>14 employees?</p> <p>15 A. No.</p> <p>16 Q. Did counsel offer to you the</p> <p>17 opportunity to review depositions of New</p> <p>18 York City employees?</p> <p>19 A. No.</p> <p>20 Q. Did you ask for the</p> <p>21 opportunity?</p> <p>22 A. No.</p> <p>23 Q. Have you made any inquiry or</p> <p>24 study or analysis of the instances, if</p>	<p>1 plate right now task-wise from Mr. Robins</p> <p>2 or his colleagues with respect to this</p> <p>3 case? Have they asked you to do anything</p> <p>4 else?</p> <p>5 A. I don't think so.</p> <p>6 Q. As things stand right now,</p> <p>7 is it your intention prior to giving</p> <p>8 testimony in this case to conduct any</p> <p>9 experiment or do any research or do any</p> <p>10 other further analysis?</p> <p>11 A. At this moment, no.</p> <p>12 Q. When you made the suggestion</p> <p>13 to Mr. Robins with respect to consumer</p> <p>14 rejection testing, what again was his</p> <p>15 reaction?</p> <p>16 A. I don't recall. I think he</p> <p>17 was noncommittal.</p> <p>18 My comment was merely that</p> <p>19 the methodology existed. I did not, in</p> <p>20 fact, suggest the test.</p> <p>21 Q. Okay.</p> <p>22 What was the motivation for</p> <p>23 making the comment?</p> <p>24 A. That it was unfortunate that</p>
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<p>1 any, of taste and odor complaints made by</p> <p>2 the consuming public within the City of</p> <p>3 New York?</p> <p>4 A. No.</p> <p>5 Q. So is it fair to say that</p> <p>6 you do not intend to testify in this case</p> <p>7 that there is any connection between a</p> <p>8 particular complaint received by the City</p> <p>9 or complaints and the presence of MTBE in</p> <p>10 that consumer's water?</p> <p>11 A. That's a little</p> <p>12 hypothetical. I would say that I would</p> <p>13 reserve the right to testify about any</p> <p>14 other information that's given to me</p> <p>15 before the trial.</p> <p>16 Q. But as things stand right</p> <p>17 now, is it fair to say that your</p> <p>18 testimony is not going to be -- consist</p> <p>19 of any opinions linking the presence of</p> <p>20 MTBE in New York City water to any</p> <p>21 particular taste or odor complaints from</p> <p>22 consumers?</p> <p>23 A. That's correct.</p> <p>24 Q. Is there anything on your</p>	<p>1 this hadn't been done.</p> <p>2 Q. You do believe, don't you,</p> <p>3 that it would be informative of the</p> <p>4 issues presented in this litigation?</p> <p>5 A. Yes, I do.</p> <p>6 Q. The methodology that you</p> <p>7 have in mind, how many people would it</p> <p>8 involve, how many test subjects?</p> <p>9 A. I haven't thought about that</p> <p>10 in great detail, but I would say, you</p> <p>11 know, a good sample size for this kind of</p> <p>12 thing would be certainly over a hundred</p> <p>13 and maybe somewhere under 300.</p> <p>14 Q. Have you conducted testing</p> <p>15 of this type before?</p> <p>16 A. Of consumer rejection</p> <p>17 thresholds?</p> <p>18 Q. Yes.</p> <p>19 A. Not using this specific</p> <p>20 methodology, no.</p> <p>21 Q. Have you conducted other</p> <p>22 kinds of, shall we call them, consumer</p> <p>23 acceptability tests?</p> <p>24 A. Yes.</p>

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